


FILED 

2007 AUG -7 PM 2:13

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA1
2
3 SHIRLEY V. REMMERT, PRO SE

4 BK. # 111 255 2

5 WOMEN'S CORRECTIONAL CENTER

6 1590 MAPLE STREET / DORM C

7 REDWOOD CITY, CA 94063

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 PEOPLE OF THE STATE OF

11 CALIFORNIA,

12 PLAINTIFF,

13  V.

14 SHIRLEY V. REMMERT,

15 DEFENDANT

DEFENDANT'S NOTICE OF MOTION

AND EX PARTE MOTION FOR

LEAVE TO FILE (LTF) AN

EX PARTE MOTION FOR

SUPERVISED RELEASE FROM

CUSTODY, MEMO. OF POINTS &

AUTHORITIES, PROPOSED ORDER

17 [PROPOSED MOTION FOR RELEASE]

18 CASE NO. C-07-80155 VRW (CW) /

19 SAN MATEO COUNTY CASES:

20 SM 340531A; SM 351187

21 HON CLAUDIA WILKENS

(continued)

1 of 8

[DEFENDANT'S NOTICED MOTION / 7-30-07 / C-07-80155 CW (VRW)]

IN GENERAL

1) I, Defendant Shirley V. Remmert, request relief in the ex parte Court and for decisions under submission. My release date is August 29, 2007, but I need early, conditional release, because I have no family or friends to help me re-build my life as soon as possible, or I will face irreparable injury. My house has been unoccupied and unlocked since my jail stay beginning May 3, 2007. My car keys, ^{house} purse, and court evidence were left inside, at the insistence of the arresting officer. My car has been left idle all this time with weeds and junk mail in full view. My sentence is harsh for a contempt of court and probation order violation. ^{TOTAL OF} (one-count misdemeanor). Also, I believe the conviction will be overturned in this Court.

NOTICE OF MOTION

2) I, hereby give notice of my motion for leave to file (LTF) an ex parte motion for supervised release from custody determined under submission by the Court, because communication or service from jail is difficult. (See my Civil Rights complaint mailed to this court in San Francisco on June 19, 2007.

3) The ex parte motion for ~~LV-T-F~~ the ex parte motion for supervised release from custody is as follows:

MOTION FOR LV-T-F an ex parte
MOTION FOR SUPERVISED RELEASE

4) I, Defendant Shirley V. Remmert, hereby move for LV-T-F an ex parte motion for supervised release from custody under 18 U.S.C. § 3583 and any other law inadvertently omitted due to limited access to the use of law books in jail.

The motion is based on the following:

a. The above cited law(s);

b. Memorandum of Points and Authorities;

c. My Declaration of Constitutional

Violations including Inadequate Counsel under MARSDEN / JUDGES' abuse of discretion. d) the proposed pleading

e. The following pleadings incorporated by reference:

(1) My first NOTICE OF REMOVAL, Case No. C-06-6709 CW, Superior Court Case No. CIV438208, San Mateo County);

(2) My second NOTICE OF REMOVAL, Case No. C-07-80117-M-CW and federal NOTICE OF APPEAL against REMAND;

(3) PETITION FOR WRIT OF HABEAS CORPUS (FILE NO. ?)
 (Superior Court cases: No SM340531A; SM351187, hereinafter referred to as "my criminal cases" and all related pleadings);
 (4) NOTICE OF REMOVAL of my criminal cases (FILE NO. ?) and notice of APPEAL in federal court;

(5) CIVIL RIGHTS complaint re my criminal cases (File No. ?);

(6) MOTION FOR RELEASE FROM CUSTODY ON OWN RECOGNIZANCE (re NOTICE OF REMOVAL of my criminal cases (see (4) above); MOTION mailed May 20, 2007

7) It is likely that I will prevail in the overturning of my sentence and conviction in any retrial, appeal, or similar hearing. Meanwhile irreparable injury will occur to my family, my business, and to my pleadings for justice, unless this Court provides any relief.

CONCLUSION

8) For the foregoing reasons, the Court should grant LV-T-F a motion for any form of supervised release from custody, such as weekend jail, the SHERIFF's work program, or house arrest with electronic monitoring. A proposed order follows.

DECLARATION

9)
 STATE OF CALIFORNIA
 SAN MATEO COUNTY

I declare that the above statements are true and correct under the penalties for perjury of the federal laws.

DATE: JULY 30, 2007

Shirley V. Remmert
 DEFENDANT

4 of 8

[DEFENDANT'S NOTICED MOTION FOR RELEASE/7-30-07/C-07-80155 VRW (CW)]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

PEOPLE OF THE STATE OF

[PROPOSED] ORDER

CALIFORNIA, PLAINTIFF,

^v
SHIRLEY V. REMMERT,

DEFENDANT

CASE NO. C-07-80155 VRW/CW

HAVING CONSIDERED DEFENDANT SHIRLEY V. REMMERT'S PLEADING UNDER SUBMISSION AND ANY ARGUMENTS BY THE OPPOSITION, THE COURT GRANTS THE DEFENDANT'S EX PARTE MOTION FOR LEAVE TO FILE A NOTICED MOTION FOR SUPERVISED RELEASE WITHOUT NOTICE TO THE DISTRICT ATTORNEY'S OFFICE OR WITHOUT ITS RESPONSE FOR GOOD CAUSE.

DATE ENTERED:

By: _____

U. S. DISTRICT COURT JUDGE

1
2
3 SHIRLEY V. REMMERT, PRO SE

4 BK. # 1112552

5 WOMEN'S CORRECTIONAL CENTER

6 1590 MAPLE STREET/ DORM C

7 REDWOOD CITY, CA 94063

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 PEOPLE OF THE STATE OF
11 CALIFORNIA, PLAINTIFF,

12 V.

13 SHIRLEY V. REMMERT
14 DEFENDANT

[PROPOSED] PLEADING

DEPENDANT'S NOTICE OF MOTION
AND MOTION FOR SUPERVISED
RELEASE FROM CUSTODY, MEMO.
OF POINTS AND AUTHORITY,
PROPOSED ORDER

CASE NO. C-07-80155 VRW (CW)

EX PARTE COURT

HON. CLAUDIA WILKENS

18 1) I, Defendant Shirley V. Remmert, hereby give notice
19 of motion and motion in ex parte court for supervised
20 release from custody to be determined under submission by
21 the court under 18 U.S.C. § 3583.

22 2) Sections 1 through 9 of my noticed motion for
23 Leave to File (above) is incorporated.

MEMORANDUM OF POINTS AND AUTHORITIES

3) The Memorandum of the above LTR pleading is incorporated.

DECLARATION

STATE OF CALIFORNIA
SAN MATEO COUNTY

4) I declare that the above statements are true and correct under the penalties for perjury of the federal laws.

RESPECTFULLY SUBMITTED

DATE: JULY 30, 2007

By: Shirley V. Remmert
DEFENDANT

SHIRLEY V. REMMERT, PRO SE
 BK. # 1112552
 WOMEN'S CORRECTIONAL CENTER
 1590 MAPLE STREET / DORM C
 REDWOOD CITY, CA 94063

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

PEOPLE OF THE STATE OF CALIFORNIA,
 PLAINTIFF,
 V.
 SHIRLEY V. REMMERT,
 DEFENDANT

PROOF OF SERVICE
 CASE NO. C-07-80155 VRW(CW)

I, Defendant Shirley V. Remmert, hereby file PROOF OF SERVICE of the following document:

1) "Defendant's NOTICE OF MOTION AND EX-PARTE MOTION FOR 'LEAVE TO FILE' (LTF) AN EX PARTE MOTION FOR SUPERVISED RELEASE FROM CUSTODY, MEMORANDUM OF POINTS AND AUTHORITIES, PROPOSED ORDER, EXHIBIT A [PROPOSED MOTION FOR RELEASE AND RELATED PROPOSED PLEADINGS]" 2) Declaration of Constitutional Violations, etc.

in the above case. The document was mailed to Deputy District Attorney Gina Sciallala at 400 County Center, Redwood City, CA 94063 on July 30, 2007. % this jail.

I declare that the above statements are true and correct under the penalties for perjury of the federal laws.

Date: JULY 31, 2007

Shirley V. Remmert
 DEFENDANT

1 of 1

[DEFENDANT'S PROOF OF SERVICE / 7-30-07 / C-07-80155 VRW(CW)]